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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,403	05/03/2004	Gregory Philip Brown	81093004 / FMC 1678 PUS 3402	
28395	7590 07/11/2006		EXAMINER	
BROOKS KUSHMAN P.C./FGTL			NELSON JR, MILTON	
	1000 TOWN CENTER 22ND FLOOR		ART UNIT	PAPER NUMBER
SOUTHFIE	LD, MI 48075-1238		3636	
			DATE MAILED: 07/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/709,403	BROWN ET AL.			
•	Office Action Summary	Examiner	Art Unit			
		Milton Nelson, Jr.	3636			
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet with the c	orrespondence address			
A SHO WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLEHEVER IS LONGER, FROM THE MAILING Ensions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	OATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 25 A	April 2006.				
2a)□	This action is FINAL . 2b)⊠ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5) 6) 7)	Claim(s) <u>1-65</u> is/are pending in the application 4a) Of the above claim(s) <u>46-65</u> is/are withdra Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-45</u> are subject to restriction and/or	wn from consideration.				
Applicati	on Papers					
10)	The specification is objected to by the Examin The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example.	cepted or b) objected to by the E drawing(s) be held in abeyance. See ction is required if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachmen	t(s)					
1) Notic	e of References Cited (PTO-892)	4) Interview Summary				
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate Patent Application (PTO-152)			

Election/Restrictions

Applicant's election without traverse of Group I, Claims 1-45 in the response filed April 25, 2006 is acknowledged. Claims 46-65 have been withdrawn from further consideration.

Subsequent to the election, it has been determined that this application contains claims 1-45 directed to the following patentably distinct species of the elected invention: Subgroup I, Figures 3a-3c; Subgroup II, Figures 3d-3e; and Subgroup III, Figures 3f-3g. The species are independent or distinct because each provides at least one distinct feature, as follows: Subgroup I provides a track with a pivot cam. Subgroup II provides a pivot bladder. Subgroup III provides a threaded screw and sliding tube.

Within each Subgroup, various variants exist. Note as follows:

Retractor variant A, Figures 4a-4b, 4d and 5a-5c.

Retractor variant B, Figure 4c.

Bladder variant A, Figures 6a-6b.

Bladder variant B, Figures 6c-6d.

Locking variant A, Figures 13a-13c.

Locking variant B, Figure 13d.

Locking variant C, Figures 14a-14b.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (Subgroup with retractor, bladder and locking variant) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Milton Nelson, Jr. Primary Examiner

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mn July 10, 2006